

# PLAINTIFF'S EXHIBIT NO. 1



DEPARTMENT OF VETERANS AFFAIRS  
OFFICE OF REGIONAL COUNSEL  
3900 Loch Raven Boulevard, Bldg. 4  
Baltimore, Maryland 21218

410-605-7600  
Fax 410-605-7699

June 3, 2015

SENT CERTIFIED MAIL/  
Return Receipt Requested

Louis G. Close, III, Esq.  
403 Central Avenue  
Towson, MD 21204

Subject: Denial of the Administrative Tort Claim of Veronica McCall-Scovens

Dear Mr. Close:

We have completed our investigation of the administrative tort claim in Veronica McCall-Scovens received in our office on November 20, 2014, which alleged that the Department of Veterans Affairs (VA) was negligent and that Ms. McCall-Scovens was harmed as a result on February 20, 2013. The claim asserts personal injury damage in the total amount of \$10 million dollars. The VA is responsible for any negligent or wrongful acts or omissions by VA employees acting within the scope of their employment which have caused death, personal injury, and or property damage. We have found no such negligent or wrongful acts or omissions in the allegations raised in the tort claim referenced above. Consequently, we must deny Ms. McCall-Scovens' claim.

If your client is dissatisfied with this decision, she may file a request for reconsideration of the claim by any of the following means:

- (1) by mail to the Department of Veterans Affairs, General Counsel (021B), 810 Vermont Avenue, N.W., Washington, DC 20420;
- (2) by data facsimile (fax) to (202) 273-6385; or
- (3) by electronic mail (e-mail) to [OGC.torts@mail.va.gov](mailto:OGC.torts@mail.va.gov).

To be timely filed, VA must receive this request prior to the expiration of six (6) months from the date of the mailing of this final denial. Upon filing such a request for reconsideration, VA shall have six (6) months from the date of that filing in which to make final disposition of the claims, and Ms. McCall-Scovens' option to file suit in an appropriate U.S. District Court under 28 U.S.C. 2675(a) shall not accrue until six (6) months after the filing of such request for reconsideration (28 C.F.R. Section 14.9).



In the alternative, if your client is dissatisfied with the action taken on the claim, she may file suit in accordance with the Federal Tort Claims Act (FTCA), sections 1346(b) and 2671-2680, Title 28, United States Code, which provides that a tort claim that is administratively denied may be presented to a Federal District Court for judicial consideration. Such a suit must be initiated within six (6) months after the date of the mailing of this notice of final denial as shown by the date of this letter (section 2401(b), title 28, United States Code). If your client does initiate such a suit, she is further advised that the proper party defendant is the United States, not VA.

Please note that FTCA claims are governed by a combination of federal and state laws. Some state laws may limit or bar a claim or law suit. VA attorneys evaluating FTCA claims work for the federal government and cannot provide advice regarding the impact of state laws or state filing requirements.

Sincerely,

  
FRANK D. GIORNO  
Regional Counsel

**LOUIS G. CLOSE III, LLC**

ATTORNEYS AT LAW

403 CENTRAL AVENUE

TOWSON, MARYLAND 21204

410-296-3606

FACSIMILE: 410-296-0080

www.lgclaw.net

LOUIS G. CLOSE, III \*

CHRISTOPHER T. CASCIANO

\* ADMITTED IN MD & DC

EMAIL:

lgclose@lgclaw.net

ccasciano@lgclaw.net

November 18, 2014

The Honorable Robert A. McDonald  
United States Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

**RE: Administrative Tort Claim of Veronica Y. McCall-Scovens**

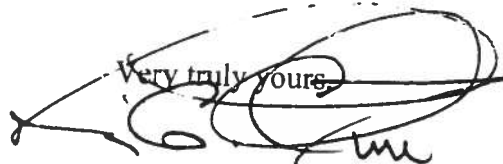
Dear Secretary McDonald:

Please be advised that this firm represents Veronica Y. McCall-Scovens in connection with injuries and damages sustained by her as the result of medical negligence including the negligent delay in diagnosis and treatment of her ovarian cancer.

Please accept the enclosed standard form 95 as written notification of claim for injuries and damages sustained by Veronica Y. McCall-Scovens as the result of medical negligence. I am also enclosing for your review a report authored by James F. Barter, M.D., a board-certified expert in obstetrics, gynecology and gynecologic oncology, detailing the violations of the standards of care and the resulting injuries and damages sustained by Ms. McCall-Scovens.

Finally, enclosed please find a written authorization form executed by Ms. McCall-Scovens expressly authorizing this firm to act on her behalf in connection with this administrative tort claim and the medical negligence and resulting injuries and damages.

I ask that you please confirm receipt of this letter and of your involvement with this claim as a FTCA matter.

Very truly yours,  


Louis G. Close, III

LGC/gw  
Enclosures

cc: Eric H. Holder, Jr., Esquire (via Certified Mail w/enclosures)  
Rod J. Rosenstein, Esquire (via Certified Mail w/enclosures)  
Frank Giorno, Esquire (via Certified Mail w/enclosures)